

### **Remarks/Arguments**

Claims 1-20 are pending in this application, and are rejected in the Office Action of April 23, 2010. Claims 1, 8 and 16-20 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention.

#### **Re: Patentability of Claims 16 and 18-20 under 35 U.S.C. §101**

Claims 16 and 18-20 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, independent claim 16 is directed towards a "digital storage medium", which according to the Examiner includes signals.

In response, claims 16-20 are amended herein to change "digital storage medium" to "digital storage device" (emphasis added). In view of this amendment, all claims are deemed statutory under 35 U.S.C. §101, and withdrawal of the rejection is respectfully requested.

#### **Re: Patentability of Claims 1-20 under 35 U.S.C. §103(a)**

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 2003-132624 by Tsurui (hereinafter, "Tsurui") in view of U.S. Patent Publication No. 2002/0146238 by Sugahara (hereinafter, "Sugahara"). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1, as amended herein, recites:

"A method, comprising steps of:  
enabling a user to select a recording title stored on a digital storage medium in a first program chain for password protection, said first program chain being a single program chain according to DVD specifications;  
receiving a password from said user for said selected recording title;  
storing said password on said digital storage medium in said first program chain **with video content** for said selected recording title; and  
requiring said password to be input before playing back said selected recording title." (emphasis added)

As indicated above, amended claim 1 defines a method having a feature in which a user-assigned password for protecting a selected recording title is stored **with video content** for the selected recording title on a digital storage medium in a single program chain according to DVD specifications. The advantages of this feature are expressly recognized by Applicants in their specification as follows: "By storing the user-assigned password ... in the same PGC as the selected recording, the present invention advantageously ensures that the password protection function is both backward and forward compatible with older and future digital playback apparatuses, respectively" (see description of step 335 of FIG. 3). Independent claims 8 and 16 are amended herein to recite subject matter similar to independent claim 1, albeit in different claim formats.

Neither Tsurui nor Sugahara, whether taken individually or in combination, discloses or suggests, *inter alia*, the aforementioned claim feature in which a user-assigned password for protecting a selected recording title is stored **with video content** for the selected recording title on a digital storage medium in a single program chain according to DVD specifications.

On page 4 of the Office Action dated April 23, 2010 the Examiner admits that the primary reference, Tsurui, fails to disclose "storing both the selected recording title and the password in a single PGC." In an attempt to remedy this admitted deficiency of Tsurui, the Examiner relies on Sugahara, and specifically alleges:

"Sugahara teaches a similar system in which a PGC which calls list information includes both the password and the title (0088 and 0089). In paragraph 0013-14 Sugahara describes the nature of what PGC do, namely they prescribe the order by which content is displayed. Sugahara teaches that list information blocks perform the same function (0018). The list information even has cells which PCG also have. Clearly list information and PGC are equivalent. What is unique in Sugahara is that both the **selected title (program number)** and the password for that number are stored in the same cell of a single list information (PGC) (0089)." (emphasis added)

As indicated above, the Examiner ostensibly alleges that the "program number" in Sugahara (see FIG. 8 thereof) corresponds to the claimed "selected [recording] title" of independent claims 1, 8 and 16. Using this interpretation, the Examiner then concludes that Sugahara teaches that a "selected [recording] title" (i.e., program number) and a password are stored together in a single program chain.

In view of the aforementioned interpretation by the Examiner, Applicants have amended independent claims 1, 8 and 16 to more clearly distinguish the claimed invention over the proposed combination including the teachings of Sugahara. Specifically, amended independent claims 1, 8 and 16 now state that that password is stored in the first program chain "with video content" for the selected recording title. That is, the amendment to independent claims 1, 8 and 16 clarifies that the claimed "selected recording title" includes actual video content. This is quite different from the teachings of Sugahara where the alleged "selected recording title" corresponds to only a "program number" (see FIG. 8)

In other words, the proposed combination including the teachings of Sugahara discloses that a password is stored in a cell with a "program number", whereas the claimed invention provides that a password is stored in the same program chain as the video content for a selected recording title. In this manner, the proposed combination including the teachings of Sugahara discloses an entirely different solution for storing a password than the claimed invention. As such, even if the teachings of Tsurui and Sugahara are combined, the resulting combination still does not disclose or suggest each and every feature of the claimed invention.

Therefore, in view of Tsurui and Sugahara's failure to disclose or suggest each and every feature of independent claims 1, 8 and 16, these independent claims and their respective dependent claims are deemed non-obvious over the proposed combination of Tsurui and Sugahara, and withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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